

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

FILED
JAN 19 2022
U.S. DISTRICT COURT-WVND
MARTINSBURG, WV 25401

UNITED STATES OF AMERICA,

v.

Criminal

3:22cr9

ANTOINETTE PAULEEN MCKENZIE and
DWAYNE ANTHONY BATTLE,

Defendants.

Violations:

18 U.S.C. § 371
18 U.S.C. § 922(a)(3)
18 U.S.C. § 922(a)(6)
18 U.S.C. § 924(a)(1)(D)
18 U.S.C. § 924(a)(2)

INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Conspiracy to Violate Gun Control Act)

1. During a period commencing in or about August of 2021, and ending on or about September 9, 2021, in Berkeley County, in the Northern District of West Virginia, and elsewhere, defendants **ANTOINETTE PAULEEN MCKENZIE** and **DWAYNE ANTHONY BATTLE**, unlawfully, knowingly, and willfully did combine, conspire, confederate, agree and have a tacit understanding to commit an offense against the United States, to wit, to purchase, possess, and transfer firearms, to an out of state resident, all in violation of the Gun Control Act, Title 18, United States Code, Sections 922(a) and 924(a).

MANNER AND MEANS

2. It was a part of the conspiracy that defendant **ANTOINETTE PAULEEN MCKENZIE** would purchase firearms from Federal Firearms Licensees (“FFLs”) in Berkeley County, West Virginia.

3. Defendant **ANTOINETTE PAULEEN MCKENZIE** would purchase firearms and complete the ATF Form 4473, averring that she was the actual purchaser of the firearms.

4. After defendant **ANTOINETTE PAULEEN MCKENZIE** purchased and acquired the firearms, she transferred the firearms to Defendant **WAYNE ANTHONY BATTLE**, a resident of Maryland.

OVERT ACTS

In furtherance of the conspiracy, and to effect the objects thereof, a conspirator committed at least one of the following overt acts, and others, in the Northern District of West Virginia, and elsewhere:

1. On or about August 11, 2021, in Berkeley County, in the Northern District of West Virginia, defendant **ANTOINETTE PAULEEN MCKENZIE**, in connection with the acquisition of firearms, a Smith & Wesson SD40, 40 S&W caliber pistol, bearing serial number FDH2783, and a Taurus Model G3C pistol, 9mm caliber, bearing serial number ACB570452, from a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code (referred to as a “FFL”), knowingly made false and fictitious statements to a FFL, which statements were intended and likely to deceive a FFL, as to a fact material to the lawfulness of such sale of the said firearm to defendant **ANTOINETTE PAULEEN MCKENZIE** under Chapter 44 of Title 18, in that the defendant represented that she was the actual purchaser of the firearms, when in fact, she was not the true purchaser of the firearms;

2. On or about August 11, 2021, in Berkeley County, in the Northern District of West Virginia, defendant **WAYNE ANTHONY BATTLE**, not being a licensed importer, manufacturer, dealer, and collector of firearms, within the meaning of Chapter 44, Title 18, United States Code, willfully did transport into the State of Maryland, where the defendant then resided, and elsewhere, a

Smith & Wesson SD40, 40 S&W caliber pistol, bearing serial number FDH2783, and a Taurus Model G3C pistol, 9mm caliber, bearing serial number ACB570452, said firearm having been obtained by defendant **DWAYNE ANTHONY BATTLE** from defendant Antoinette Pauleen McKenzie outside the State of Maryland;

3. On or about August 24, 2021, in Berkeley County, in the Northern District of West Virginia, defendant **ANTOINETTE PAULEEN MCKENZIE**, in connection with the acquisition of a firearm, a Taurus Model G2C pistol, 9mm caliber, bearing serial number 1C079027, from a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code (referred to as a “FFL”), knowingly made false and fictitious statements to a FFL, which statements were intended and likely to deceive a FFL, as to a fact material to the lawfulness of such sale of the said firearm to defendant **ANTOINETTE PAULEEN MCKENZIE** under Chapter 44 of Title 18, in that the defendant represented that she was the actual purchaser of the firearms, when in fact, she was not the true purchaser of the firearms;

4. On or about August 24, 2021, in Berkeley County, in the Northern District of West Virginia, defendant **DWAYNE ANTHONY BATTLE**, not being a licensed importer, manufacturer, dealer, and collector of firearms, within the meaning of Chapter 44, Title 18, United States Code, willfully did transport into the State of Maryland, where the defendant then resided, and elsewhere, a Taurus Model G2C pistol, 9mm caliber, bearing serial number 1C079027, said firearm having been obtained by defendant **DWAYNE ANTHONY BATTLE** from defendant Antoinette Pauleen McKenzie outside the State of Maryland; and,

5. On or about September 4, 2021, in Berkeley County, in the Northern District of West Virginia, defendant **ANTOINETTE PAULEEN MCKENZIE**, in connection with the attempted acquisition of a firearm, a Glock G43 G3 pistol, 9mm caliber, bearing serial number AFNG168, from a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code (referred to as a “FFL”), knowingly made false and fictitious statements to a FFL, which statements were intended

and likely to deceive a FFL, as to a fact material to the lawfulness of such sale of the said firearm to defendant **ANTOINETTE PAULEEN MCKENZIE** under Chapter 44 of Title 18, in that the defendant represented that she was the actual purchaser of the firearms, when in fact, she was not the true purchaser of the firearms;

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

(False Statements During Purchase of Firearms)

On or about August 11, 2021, in Berkeley County, in the Northern District of West Virginia, defendant **ANTOINETTE PAULEEN MCKENZIE**, in connection with the acquisition of a firearm, a Smith & Wesson SD40, 40 S&W caliber pistol, bearing serial number FDH2783, and a Taurus Model G3C pistol, 9mm caliber, bearing serial number ACB570452, from a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code (referred to as a “FFL”), knowingly made false and fictitious statements to a FFL, which statements were intended and likely to deceive a FFL, as to a fact material to the lawfulness of such sale of the said firearm to defendant **ANTOINETTE PAULEEN MCKENZIE** under Chapter 44 of Title 18, in that the defendant represented that she was the actual purchaser of a firearm, when in fact, she was not the true purchaser of a firearm; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT THREE

(Illegal Transportation or Receipt in State of Residency of Firearms Purchased or Acquired Outside of State of Residency)

On or about August 11, 2021, in Berkeley County, in the Northern District of West Virginia, defendant **DWAYNE ANTHONY BATTLE**, not being a licensed importer, manufacturer, dealer, and collector of firearms, within the meaning of Chapter 44, Title 18, United States Code, willfully did transport into the State of Maryland, where the defendant then resided, and elsewhere, a Smith & Wesson SD40, 40 S&W caliber pistol, bearing serial number FDH2783, and a Taurus Model G3C pistol, 9mm caliber, bearing serial number ACB570452, said firearm having been obtained by defendant **DWAYNE ANTHONY BATTLE** from defendant Antoinette Pauleen McKenzie outside the State of Maryland, in violation of Title 18, United States Code, Sections 922(a)(3) and 924(a)(1)(D).

COUNT FOUR

(False Statements During Purchase of Firearm)

On or about August 24, 2021, in Berkeley County, in the Northern District of West Virginia, defendant **ANTOINETTE PAULEEN MCKENZIE**, in connection with the acquisition of a firearm, a Taurus Model G2C pistol, 9mm caliber, bearing serial number 1C079027, from a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code (referred to as a “FFL”), knowingly made false and fictitious statements to a FFL, which statements were intended and likely to deceive a FFL, as to a fact material to the lawfulness of such sale of the said firearm to defendant **ANTOINETTE PAULEEN MCKENZIE** under Chapter 44 of Title 18, in that the defendant represented that she was the actual purchaser of a firearm, when in fact, she was not the true purchaser of a firearm; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT FIVE

(Illegal Transportation or Receipt in State of Residency of Firearms Purchased or Acquired Outside of State of Residency)

On or about August 24, 2021, in Berkeley County, in the Northern District of West Virginia, defendant **DWAYNE ANTHONY BATTLE**, not being a licensed importer, manufacturer, dealer, and collector of firearms, within the meaning of Chapter 44, Title 18, United States Code, willfully did transport into the State of Maryland, where the defendant then resided, and elsewhere, a Taurus Model G2C pistol, 9mm caliber, bearing serial number 1C079027, said firearm having been obtained by defendant **DWAYNE ANTHONY BATTLE** from defendant Antoinette Pauleen McKenzie outside the State of Maryland, in violation of Title 18, United States Code, Sections 922(a)(3) and 924(a)(1)(D).

COUNT SIX

(False Statements During Purchase of Firearms)

On or about September 4, 2021, in Berkeley County, in the Northern District of West Virginia, defendant **ANTOINETTE PAULEEN MCKENZIE**, in connection with the attempted acquisition of a firearm, a Glock G43 G3 pistol, 9mm caliber, bearing serial number AFNG168, from a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code (referred to as a “FFL”), knowingly made false and fictitious statements to a FFL, which statements were intended and likely to deceive a FFL, as to a fact material to the lawfulness of such sale of the said firearm to defendant **ANTOINETTE PAULEEN MCKENZIE** under Chapter 44 of Title 18, in that the defendant represented that she was the actual purchaser of a firearm, when in fact, she was not the true purchaser of a firearm; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

FOREFEITURE ALLEGATION

Gun Control Act

Pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d)(1), the government will seek the forfeiture of any firearm and any ammunition involved in or used in any knowing violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2), including:

- (1) a Smith & Wesson SD40, 40 S&W caliber pistol, bearing serial number FDH2783;
- (2) a Taurus Model G3C pistol, 9mm caliber, bearing serial number ACB570452;
- (3) a Taurus Model G2C pistol, 9mm caliber, bearing serial number 1C079027; and,
- (4) a Glock G43 G3 pistol, 9mm caliber, bearing serial number AFNG168.

A true bill,

/s/
Grand Jury Foreperson

/s/
WILLIAM J. IHLENFELD, II
United States Attorney

Eleanor F. Hurney
Assistant United States Attorney